

1 **CANDIS MITCHELL**  
California Bar No. 242797  
2 **FEDERAL DEFENDERS OF SAN DIEGO, INC.**  
225 Broadway, Suite 900  
3 San Diego, California 92101-5008  
Telephone: (619) 234-8467 ext. 3717  
4 Candis\_Mitchell@fd.org

5  
6 Attorneys for Mr. Jose Raymundo Contreras-Hernandez  
7  
8

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11 (HONORABLE JOHN A. HOUSTON)

12 UNITED STATES OF AMERICA,	)	CASE NO.: 07CR3190-JAH
	)	
13 Plaintiff,	)	DATE: February 19, 2008
	)	TIME: 8:30 a.m.
14 v.	)	
	)	DECLARATION OF JOSE RAYMUNDO
15 <b>JOSE RAYMUNDO CONTRERAS-</b>	)	CONTRERAS-HERNANDEZ
<b>HERNANDEZ,</b>	)	
	)	
16 Defendant.	)	

17  
18 I, Jose Raymundo Contreras-Hernandez, declare under penalty of perjury:

- 19 1. I am the defendant in the above-captioned case and make this declaration in support of a
- 20 motion filed by my attorney.
- 21 2. At approximately 3:00 a.m., on October 27, 2007, I was arrested north of the International
- 22 Border.
- 23 3. This is a wilderness area.
- 24 4. In the wilderness, I was interrogated by a border patrol agent.
- 25 5. Prior to interrogating me, I was handcuffed.
- 26 6. The agents left me handcuffed while they looked for other people.
- 27 7. The agents had a dog with them that they were using to search for and detain people.
- 28 8. The agent had a gun visible.

- 1        9.    The agent was wearing a badge.
- 2        10.   The agent raised his voice while talking to me.
- 3        11.   The agent did not explain to me that I did not have to talk to them without an attorney present.
- 4        12.   As a matter of fact, the agents did not inform me of any of my rights pursuant to Miranda.
- 5        13.   If my rights had been read to me, I would not have made any statements.
- 6        14.   Since they were not, I felt pressured to speak with the agent at that time.
- 7        15.   Because I was in a wilderness area, handcuffed with armed agents and a dog, I did not feel
- 8                free to leave.

9        I swear that, to the best of my knowledge and memory, the foregoing is true and correct.

10  
11   Dated: 1 February 2008

Jose Contreras  
Jose Raymundo Contreras-Hernandez

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO.: 07CR3190-JAH
	)	
	)	CERTIFICATE OF SERVICE
Plaintiff,	)	
v.	)	
	)	
<b>JOSE RAYMUNDO CONTRERAS-</b>	)	
<b>HERNANDEZ</b>	)	
	)	
Defendant.	)	

---

Counsel for Defendant certifies that the foregoing motion, is true and accurate to the best of her information and belief, and that a copy of the foregoing has been electronically served this day upon:

Peter Mazza  
Assistant United States Attorney  
880 Front Street  
San Diego, CA 92101

and mailed to:

Jose Raymundo Contreras-Hernandez  
Reg. No. 05354-298  
MCC San Diego  
808 Union Street  
San Diego, CA 92101

Dated: February 4, 2008

s/ Candis Mitchell  
**CANDIS MITCHELL**  
Federal Defenders of San Diego, Inc.  
225 Broadway, Suite 900  
San Diego, CA 92101-5030  
(619) 234-8467 (tel); (619) 687-2666 (fax)  
E-mail:Candis\_Mitchell@fd.org